## **DECLARATION OF MAX MCCOMBS**

I, Max McCombs, declare:

- The following statements are true and correct and based on my personal knowledge.
- I have been a managing member of U.S. COLO AT ONE WILSHIRE, LLC, a
   California limited liability company since its inception.
- 3. I am unaware of any Nevada corporation or limited liability company by the name of U.S. COLO AT ONE WILSHIRE, LLC.
- U.S. COLO AT ONE WILSHIRE, LLC's principal place of business is 624 S.
   Grand Avenue, Suite 1810, Los Angeles, California 90017.
- 5. U.S. COLO AT ONE WILSHIRE, LLC does not operate or have any principal place of business in the State of Nevada.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on June \_\_\_, 2008 in Los Angeles, California.

MAX MCCOMBS

## **AFFIDAVIT OF ROBERT SIMON**

State of Nevada ) ss.
County of Washoe )

- I, Robert Simon, depose and state:
- 1. I swear under the penalty of perjury that the following statements are true and correct and based on my personal knowledge.
- 2. I am a Nevada attorney and am employed by the Law Offices of Mark Wray which represents Defendant U.S. COLO AT ONE WILSHIRE, LLC in the lawsuit filed by Plaintiff Schneider Rucinski Enterprises in the United States District Court, Southern District of California Case No. 08-CV-0138 WQH POR.
- 3. On June 17, 2008, I visited the Nevada Secretary of State website and searched for all corporations and limited liability companies whose name included U.S. COLO.
- 4. I did not find any Nevada corporations or limited liability companies by the name of U.S. COLO AT ONE WILSHIRE, LLC or U.S. COLO ONE WILSHIRE, LLC.
- 5. Also on June 17, 2008, I visited the California Secretary of State website and searched for all corporations and limited liability companies whose name included U.S. COLO.
- 6. I did not find a U.S. COLO ONE WILSHIRE, LLC, but did find a company by the name of U.S. COLO AT ONE WILSHIRE, LLC. Attached as Exhibit C is a true and correct copy of the California Secretary of State's website.

ROBERT SIMON

SUBSCRIBED and SWORN to before me this 18<sup>th</sup> day of June, 2008.

NOTARY PUBLIC

Notary Public, State of Nevada
Appointment No. 98-4434-2
My Appt. Expires Jun 23, 2010

## California Business Portal Secretary of State DEBRA BOWEN

DISCLAIMER: The information displayed here is current as of Jun 13, 2008 and is updated weekly. It is not a complete or certified record of the Limited Partnership or Limited Liability Company.

T-2/220
LP/LLC
U.S. COLO AT ONE WILSHIRE, LLC
Number: 200304510097   Date Filed: 2/7/2003   Status: active
Jurisdiction: NEVADA
Address
624 S GRAND AVE STE 1810
LOS ANGELES, CA 90017
Agent for Service of Process
DAVID L OBERG
23679 CALABASAS RD STE 541
CALABASAS, CA 91302

Blank fields indicate the information is not contained in the computer file.

If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report. Fees and instructions for ordering a status report are included on the Business Entities Records Order Form.